



STATE OF MARYLAND

DHMH

Department of Health and Mental Hygiene

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – John M. Colmers, Secretary

MARYLAND BOARD OF PHARMACY

4201 Patterson Avenue • Baltimore, Maryland 21215-2299

Donald W. Taylor, Board President - LaVerne G. Naesea, Executive Director

CERTIFIED MAIL RECEIPT REQUESTED
ARTICLE #7008 1830 0001 1597 6093

March 12, 2010

Kim Michael Hulko, Pharm.D.
144 Sun Way
Bailey, Colorado 80421

Re: Summary Suspension Order
License No. 10047

Dear Dr. Hulko:

On September 16, 2009, the State Board of Pharmacy (the "Board") voted to summarily suspend your license to practice pharmacy. The Board will consider whether to Continue the Summary Suspension of the enclosed Order for Summary Suspension at a Show Cause hearing, which will be scheduled within a reasonable time of your written request for same. The Show Cause Hearing will be held before the Board at 4201 Patterson Avenue, Baltimore, Maryland 21215.

At that time, you will have the opportunity, either through counsel or in person, to address the Board representative(s) to show cause why the Order should not be continued and how an alternative resolution would protect the public health, safety or welfare. This opportunity to address the Board is not intended as a substitute for a hearing before the Board as to the merits of the emergency suspension. Should the summary suspension be continued, a hearing on the merits will be granted within 30 days of your requesting same.

Because your right to practice pharmacy in Maryland is at issue, you are strongly urged to retain and be represented by an attorney.

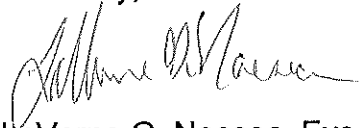
Kim Michael Hulko, Pharm.D.
License No. 10047

Re: Summary Suspension Order

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The Administrative Prosecutor in this case is Roberta Gill, Assistant Attorney General. If you have or your attorney has any questions about the Summary Suspension, please contact Ms. Gill at 300 West Preston Street, Suite 207, Baltimore, Maryland 21201, (410) 767-6574.

Sincerely,



LaVerne G. Naesea, Executive Director
State Board of Pharmacy

Enclosure (copy to all ccs)

cc: Roberta Gill, Assistant Attorney General
Administrative Prosecutor
John Nugent, Deputy Counsel
Linda Bethman, Assistant Attorney General
Board Counsel
Francesca Gibbs, Staff Attorney
Board Counsel
Gloria Toney Brown, Administrative Officer
Colin Eversley, Investigator

IN THE MATTER OF * BEFORE THE
KIM HULKO, PHARM.D. * STATE BOARD
License No.: 10047 * OF PHARMACY
Respondent * Case No. 09-117

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. State Govt. Code Ann. §10-226 (c) (2) (2009 Repl. Vol.), the State Board of Pharmacy (the "Board") hereby suspends the license to practice pharmacy in Maryland issued to Kim Hulko, Pharm.D., (the "Respondent"), under the Maryland Pharmacy Practice Act (the "Act"), Md. Health Occ. Code Ann. § 12-101, et seq., (2009 Repl. Vol.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

BACKGROUND

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. The Respondent was first licensed on August 5, 1983. The Respondent's license expires on January 31, 2011.
2. At all times relevant hereto, the Respondent was employed by a Safeway pharmacy in Colorado.
3. On September 11, 2009, the Respondent entered into a Stipulation and Final Agency Order with the State Board of Pharmacy of the State of Colorado wherein his Colorado pharmacist license was relinquished and canceled, with the full force and effect as a revocation. The Order further forbade the Respondent to work in any capacity for any prescription drug outlet, wholesale outlet, other outlet, and any other business requiring licensure or registration in the State of Colorado under the

Pharmaceuticals and Pharmacists Act.

4. The basis for the Order was that the Respondent generated false prescriptions for Schedule II controlled substances for personal use, falsified pharmacy records and prescription labels and/or failed to generate labels for prescriptions he dispensed from the pharmacy for a period of over a year.¹

FINDINGS OF FACT

1. As set forth above, by falsifying patient profiles in order to process fraudulent prescriptions to divert controlled drugs to himself for his personal use, the Respondent is a threat to the public health, welfare or safety.

2. The above actions also constitute violations of the Act. Specifically, the Respondent violated the following provisions of §12-313:

(b) Subject to the hearing provisions of § 12-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee:

(24) Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes[;].

¹ On December 28, 1994, the Respondent entered into a Stipulation and Final Agency Order with the Colorado Board after he diverted Tylenol #3, a Schedule III controlled substance. The Respondent's Colorado pharmacist license was suspended and the Respondent was placed on Probation with mandatory treatment for three years. In July 1987, the Respondent entered into a Consent Order with the Maryland Board in which he admitted to having used forged prescriptions on 18 occasions to obtain Percocet, a Schedule II controlled substance, from his employer for personal use and without paying for said Percocet. The Respondent temporarily surrendered his Maryland pharmacist license and he was subsequently placed on probation with counseling and monitoring.

CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. St. Gov't. Code Ann. §10-226(c) (2) (2009 Repl. Vol.).


ORDER

Based on the foregoing, it is therefore this 13th day of **March 2010**, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted by the Board by Md. St. Gov't. Code Ann. §10-226(c) (2) (2009 Repl. Vol.), the license held by the Respondent to practice pharmacy in Maryland, License No. 14716, is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED, that upon the Board's receipt of a written request from the Respondent, a Show Cause Hearing shall be scheduled within a reasonable time of said request, at which the Respondent will be given an opportunity to be heard as to whether the Summary Suspension should be continued, regarding the Respondent's fitness to practice pharmacy and the danger to the public; and be it further

ORDERED, that the Respondent shall immediately turn over to the Board his wall certificate and wallet-sized license to practice pharmacy issued by the Board; and be it further

ORDERED, that this document constitutes a final Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. State Gov't Code Ann. §10-617(h) (2009 Repl. Vol.).



LaVerne G. Naesea, Executive Director
Board of Pharmacy

NOTICE OF HEARING

A Show Cause hearing to determine whether the Summary Suspension shall be continued will be held before the Board at 4201 Patterson Avenue, Baltimore, 21215 following a written request by the Respondent for same.